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FORM PTO 1390
(REV. 5-93)

US DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NUMBER
2006 1393A

U.S. APPLICATION NO.
(if known) 107590735
NEW

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. §371

International Application No.
PCT/JP2005/003094

International Filing Date
February 18, 2005

Priority Date Claimed
February 27, 2004

Title of Invention

METHOD AND AGENT FOR CONTROLLING PLANT DISEASE USING BACTERIA OF GENUS BACILLUS

Applicant(s) For DO/EO/US
Daiju YUKI et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. §371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. §371.
3. This express request to begin national examination procedures (35 U.S.C. §371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. §371(b) and PCT Articles 22 and 39(1).
4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. A copy of the International Application as filed (35 U.S.C. §371(c)(2))
 - a. is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. has been transmitted by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US)
6. A translation of the International Application into English (35 U.S.C. §371(c)(2)). **ATTACHMENT A**
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3)).
 - a. are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. have been transmitted by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. A translation of the amendments to the claims under PCT Article 19.
9. An executed oath or declaration of the inventor(s) (35 U.S.C. §371(c)(4)). **ATTACHMENT B**
10. A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. §371(c)(5)).

Items 11. to 14. below concern other document(s) or information included:

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98. **ATTACHMENT C**
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.

ATTACHMENT D

13. A FIRST preliminary amendment. **ATTACHMENT E**
 A SECOND or SUBSEQUENT preliminary amendment.
14. Other items or information:
 - Petition for Acceptance of Color Photographs (3 sheets) - **ATTACHMENT F**
 - Submission of Deposit Receipt with 1 deposit - **ATTACHMENT G**
 - WO 2005/082149 - **ATTACHMENT H**
 - Form PCT/IB/304 - **ATTACHMENT I**
 - Sequence Listing in paper and computer readable form which are identical and contain no new matter

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

U.S. APPLICATION NO. NEW 107590735	INTERNATIONAL APPLICATION NO. PCT/JP2005/003094	ATTORNEY'S DOCKET NO. 2006_1393A		
15. [X] The following fees are submitted		CALCULATIONS PTO USE ONLY		
Basic National Stage Fee		\$300.00		
National Stage Search Fee (International Search Report provided - 37 CFR 1.492(b)(2))		\$400.00		
National Stage Examination Fee		\$200.00		
Specification/drawings in excess of 100 pages (1 units of 50 x \$250.00) =		\$250.00		
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$1,150.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than [] 20 [] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$		
Claims	Number Filed	Number Extra		
Total Claims	9 - 20 =	0	X \$50.00	\$
Independent Claims	2 - 3 =	0	X \$200.00	\$
Multiple dependent claim(s) (if applicable)		+ \$360.00	\$	
TOTAL OF ABOVE CALCULATIONS =		\$1,150.00		
[] Small Entity Status is hereby asserted. Above fees are reduced by 1/2.		\$		
SUBTOTAL =		\$1,150.00		
Processing fee of \$130.00 for furnishing the English translation later than [] 20 [] 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		+ \$		
TOTAL NATIONAL FEE =		\$1,150.00		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +		\$40.00		
Petition for Acceptance of Color Photographs (3 sets)		\$130.00		
TOTAL FEES ENCLOSED =		\$1,320.00		
		Amount to be refunded \$		
		Amount to be charged \$		
<p>a. [X] A check in the amount of <u>\$1,320.00</u> to cover the above fees is enclosed. A duplicate copy of this form is enclosed.</p> <p>b. [] Please charge my Deposit Account No. 23-0975 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. [] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>23-0975</u>.</p>				
<p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p>				
19. CORRESPONDENCE ADDRESS CUSTOMER NO. 000513		By: <u>Warren M. Cheek Jr.</u> Warren M. Cheek Jr. Registration No. 33,367 WENDEROTH, LIND & PONACK, L.L.P. 2033 "K" Street, N.W., Suite 800 Washington, D.C. 20006-1021 Phone:(202) 721-8200 Fax:(202) 721-8250 August 25, 2006		

[CHECK NO. 75865]
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